

MEETING DATE: June 27, 2023

STAFF: Brian Harker, Planner

PROJECT NAME: The Alton

CASE NUMBER/REQUEST: Case 23-125-06 – Rezoning/PUD – 17610 E. 35th Street S. – A request by RW Bolger Square, LLC to rezone the property from C-2 (General Commercial) to R-30/PUD (High Density Residential/Planned Unit Development) and approve a Preliminary Development Plan.

APPLICANT/OWNER: RW Bolger Square, LLC c/o RW Partners

PROPERTY ADDRESS: 17610 E. 39th Street S.

SURROUNDING ZONING/LAND USE:

- North:** Districts C-2, R-12 and R-18/PUD...duplexes, landscaping business and condominium apartments
- West:** Districts C-2...shopping center
- East:** District C-2...shopping center
- South:** District C-2 and O-1...shopping center outlots and bank

PUBLIC NOTICE:

- Letters to adjoining property owners – June 9, 2023
- Public Notice published in the Independence Examiner – June 10, 2023
- Sign posted on property – June 9, 2023

FURTHER ACTION:

Following action by the Planning Commission, this rezoning request is scheduled for a first reading by the City Council on August 9, 2023 and the public hearing/second reading on August 21, 2023.

RECOMMENDATION

Staff recommends **APPROVAL** of the rezoning/preliminary development with the following conditions.

- 1) Prior to the issuance of any building permits, create a replat with all necessary cross-access and parking lot easements and that indicates the adjustments made to the eastern boundary of the lot;
- 2) The trees abutting the north side of the property, on the berm, should be preserved;
- 3) Provide parking lot parameter and end cap trees and shrubs, and trees and shrubs around the buildings (the exact number of plantings worked out with staff for the Final Development Plan);
- 4) The Final Development Plan should provide an elevation of entry signs/features;
- 5) Include elevations of the trash enclosures with Final Development Plan;

- 6) For the Final Development Plan, provide a elevation of the west wall of the the box store east of Buildings A and B to show landscaping and treatments “softing” the look of the exposed wall;
- 7) The development shall provide stormwater quality measues.
- 8) The units will be addressed on the Final Development Plan.
- 9) To provide additional queue storage for the southbound left-turn movement the pavement markings on the southbound approach to the 39th Street & Crackerneck Road intersection should be modified to provide at least 200 feet of storage.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: A request by RW Bolger Square, LLC to rezone this property from District C-2 (General Commercial) to District R-30/PUD (High Density Residential/Planned Unit Development) and approve a Preliminary Development Plan.

Current Zoning:	C-2 (Single-Family Residential)	Proposed Zoning:	R-30/PUD (High Density Residential/Planned Unit Development)
Current Use:	Former JC Penny’s	Proposed Uses:	Multiple-Family Development
Acreage:	10.06-acres		
Former Zoning	Prior to 1980, from 1965 – R-1 (Single-Family Residential)		

PROPERTY HISTORY

The 10.06-acre property has had a District C-2 zoning designation since 1980; a time prior to the development of Bolger Square. The property is part of a shopping center that originally contained a JC Pennys, Payless Shoes, Dicks Sporting Goods, Target and a number of outlots. Today, excluding the outlots, only the Target store remains. After Dicks Sporting Goods left for an Independence Center location and Payless Shoes closed; furniture, antique and Halloween stores occupied the two middle spaces. With the closure of JC Penny’s over three years ago and the challenging new retail environment for big box stores, the property owner began to consider other nonretail alternatives. The alternative ultimately brought forth this proposal for a multiple-family development.

PHYSICAL CHARACTERISTICS OF PROPERTY

The property is a vacant department store and accompanying parking lot. The existing structure stands in relatively good condition with an existing parking lot and surrounding landscaping in a relatively fair condition.

CHARACTERISTICS OF THE AREA

The surrounding residences, shopping centers and commercial use along 39th Street are in various conditions of vitality and appearance. In what will remain of the original Bolger Square, all three tenant spaces are occupied and are in relatively good condition. Portions of the center’s parking lot are in relatively poor condition. The businesses in the outlots over recent years have diversified from being nearly all restaurants to a greater mix of businesses. The shopping center across Crackerneck Road has maintained its vitality and occupancy. Except for a long existing landscaping business,

residential uses lie to the north and northwest. There are multiple-family patio homes and condominiums lying across Crackerneck Road and Bolger Road, respectively.

PROPOSAL:

RW Capital Partners intends to develop a 10.06-acre, 3-building, 4-story multi-family apartment community at Bolger Square (17610 E. 39th Street S.) at the former 123,000-square foot JC Pennys store. The proposed 358-unit complex will provide a mix of one, two and three-bedroom apartments.

The expected monthly rent for each unit will be approximately \$1,400 for a one-bedroom (703-square feet) \$1,800 for a two bedroom (1,032-square feet) and \$2,100 for a three-bedroom (1,300-square feet).

It will also feature sustainable design elements such as energy-efficient appliances, green roofs and a rainwater collection system. The project will also include pickleball court, dog park, pool, and in-building garages.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

The proposal relates to the Goal “Achieve livability, choice, access, health and safety through a quality, built environment through building new housing units to fill a market need.”

Comprehensive Plan Guiding Land Use Principles:

The Imagine Independence 2040 Comprehensive Plan designated this site for Commercial uses. The Guiding Land Use Principle most pertinent to the proposed zoning and use is to, “(f)acilitate the development of connected, mixed use neighborhoods where appropriate,” encourage the concept of mixed-use development to create diverse and self-sufficient neighborhoods, and foster redevelopment opportunities within the City to revitalize unused or underused property.”

Zoning:

The applicant proposes R-30/PUD zoning. District R-30/PUD (High Density Residential/Planned Unit Development) allows; multiple-family housing, home based daycare, government facilities, churches, schools, utilities, cemeteries, crops and gardening. The C-2 District (General Commercial) allows for retail, office, restaurants, banks, business and personal improvement services, hotels, construction services, daycare centers, nursing homes, government facilities, churches, employment agencies, funeral and interment services, schools, colleges and universities, veterinary and animal boarding services, sports and entertainment facilities, medical services, repair services and crop agriculture.

Historic and Archeological Sites:

There are no apparent historic/archeological issues with this property.

Public Utilities:

Water, sewer and electrical services are available to the property.

Environmental, Storm Water and Stream Buffer:

The property is neither in a floodplain nor near a stream requiring accompanying stream buffer zones. Redevelopment of this site will result in an increase of open/green space and thus a reduction

in impervious surfaces. The shopping center currently has an onsite detention area south of the service station at 39th Street and Crackerneck Road.

Building Elevations:

The three proposed buildings will have off-white, fiber cement, lap siding and dark gray, fiber cement panels. Additionally, there is a ten-foot-high tan wainscot that will wrap around the buildings and over and around the dark brown, garage doors and ground level windows and doors. The roofs will be dark brown, composite shingles. The structures will be slab-on-grade buildings.

CIP Investments:

There are no CIP projects impacting this development.

Traffic Study:

The traffic impact study, prepared by Kimley-Horn, looked at three intersection capacity analysis scenarios; for existing conditions (year 2023), existing conditions plus development conditions and three future conditions (year 2043). Currently, the adjacent intersections operate at an acceptable level of service. The proposed development will have 358-units and is projected to generate 1,613 daily trips, with 142 AM peak hour trips and 136 PM peak hour trips. Further, it is expected that the development will generate less traffic than did the department store. The future scenario includes an annual 0.5-percent background growth rate applied over 20-years.

The site trips from the proposed development were added to the street network and both study intersections are projected to continue to operate at the same intersection levels of service as existing conditions. Several individual movements are shown to operate at a LOS E during the PM peak hour. However, these operations are consistent with existing conditions. To provide additional queue storage for the southbound left-turn movement the pavement markings on the southbound approach to the 39th Street & Crackerneck Road intersection should be modified to provide at least 200 feet of storage.

The future conditions scenario includes site trips and an annual 0.5% background growth rate applied over 20 years. Both study intersections are projected to continue to operate at the same intersection levels of service as existing conditions.

Streets, Driveways and Parking Lots:

Access to The Alton will be via three entrances off Crackerneck Road. The north and central entrances will be the most direct to all three buildings. The south entrance drive, serving the whole of the shopping center, will provide indirect access from the southeast side. The middle entrance and accompany sidewalks will provide access to the front entrances to the Buildings B and C, as well as to the entrances of the box stores. The apartment complex will have the required number of parking spaces on its lot; however, parking lot and cross-access easements will be required on the Final Plat.

Landscaping:

When the Final Development Plan is submitted (in addition to the street trees, parking lot perimeter, island and endcap trees and trees around the perimeter of the buildings indicated on the Preliminary Development Plan,), shrubs should be provided around the parking lot perimeters, in parking lot end caps and islands and around the perimeter of buildings. The trees abutting S. Bolger Road berm should be preserved.

Amenities:

Provided amenities will include a fitness center, a dog park, pickleball courts, some open outdoor space, atriiums, walking trails, a pool and spa.

Housing Study Summary:

From the recent housing study completed in 2021, it was shown that 19-percent of residents surveyed preferred additional multi-family housing chooses in buildings larger than six-units. The study also identified renters occupying 35-percent of all units in Independence.

The study identified this area of proposed development as Stable and Transitional with neighborhoods experiencing market-driven reinvestment, but still required people-based, public realm, and catalytic investments to fully stabilize. The focus to stabilize neighborhoods in this area is to support the market with strategic investments and to prevent decline by maintaining public assets. The investment is primarily market driven.

The study also identified the vacancy rates of larger scale multifamily housing falling over the last decade to four percent, with asking rental rates growing by 40-percent, indicating a growing demand for market-rate multi-family units.

Per the study, the asking rates for healthier markets in 2021 were \$1,200 for one bedroom to \$2,200 for three-bedroom units, which would be in line with the currently active Trinity Woods and Azure apartment complexes.

The study also pointed out that the dominant housing type in Independence is the single-family home, with the current ratio of single-family to multi-family being similar in Independence as throughout Jackson County. As trends shift over the next 20 years, the market concludes that there is a need for diversity of housing types to retain and/or attract residents, particularly for young families and seniors. While single-family will continue to be the dominant housing type, there will be more demand for maintenance-free homes and quality multifamily options.

The study identified that over the next 20 years, there is a predicted demand for 450 rental units of workforce-affordable housing with rental rates of \$750 to \$1,400 per month. There is also a predicted demand of 300 rental units of market-rate housing with rents more than \$1,400 per month.

REVIEW CRITERIA

Recommendations and decisions on rezoning applications must be based on consideration of all the following criteria:

- 1. Conformance of the requested zoning with the Comprehensive Plan.**
The Comprehensive Plan envisions Commercial uses for this vicinity;
- 2. Conformance of the requested zoning with any adopted neighborhood or sub-area plans in which the property is located or abuts.**
There are not any subarea plans that cover the vicinity around this proposed development;
- 3. The compatibility of the proposed zoning with the zoning and use of nearby property, including any overlay zoning.**
Adding the high-density residential zoning, with the surrounding commercial and residential zonings and uses, will create a new mixed-use development and neighborhood;

4. The compatibility of the proposed zoning and allowed uses with the character of the neighborhood.

Although the residential uses to the northwest are lower density in design, there is R-18/PUD zoning to the north across Bolger Road. The commercial uses flanking the property will create nearby, walkable, shopping opportunities for the new residents;

5. The suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations.

The current retail environment has made the vacant C-2 zoned, box store very difficult to lease;

6. The length of time the subject property has remained vacant as zoned.

The big box store has been vacant for over three years;

7. The extent to which approving the rezoning will detrimentally affect nearby properties.

Adjacent and nearby properties should not be impacted by more traffic than the department store generated, but the adjacent commercial uses should benefit from additional customers;

8. The gain, if any, to the public health, safety and welfare due to denial of the application, as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.

If the rezoning is denied, the neighborhood will lose the possible repurposing of an underutilized big box store and expanding the area's nearby customer base. If approved, the proposed use may advance the Guiding Principle of creating a diversity of housing and thus the welfare of the community.

EXHIBITS

1. Applicant letters
2. Application
3. Notification letter
4. Addresses
5. Affidavit
6. Public Meeting Material
7. Preliminary Site Plan
8. Building Elevations
9. Rezoning Plan
10. Traffic Report
11. Zoning Map
12. Comp Plan Map